

PLANNING BUREAU CASE REPORT

Special Exception Application: 1918 North 4th Street

PROPERTY ADDRESS: APPLICANT: APPLICANT STATUS:

1918 North 4th Street Lamont Palmer w/ Xtreme Owner

Management LLC

PID: ZONING: HPC DATE: 11-009-032 Residential Medium-Density (RM) March 2, 2022

ZHB CASE #: SITE VISIT DATE(S):

2511 March 21, 2022 February 23, 2022

HISTORIC DISTRICT: FLOODPLAIN: SUBMISSION DATE:

N/A Zone X (No Floodplain) February 18, 2022

REQUEST:

The Applicant is proposing to establish an "Adult Day Care" use on-site which requires Zoning Hearing Board approval of a Special Exception application per Section 7-305.7 of the Zoning Code.

PROPERTY DESCRIPTION:

The subject property at 1918 North 4th Street is a 0.86-acre lot that features two structures: a one-story, 9,240-square-foot brick structure which was constructed circa 1937 (per the Dauphin County Tax Records); and a one-story 8,790-square-foot CMU block structure which was constructed circa 1962 (per Dauphin County Tax Records). The property is bounded by Delaware Street to the north, the property at 338 Muench Street and North 4th Street to east, the properties at 338-346 Muench Street and Muench Street to the south, and Logan Street to the west.

The older structure (at the corner of Delaware Street and North 4th Street), which is intended to accommodate the proposed use, is a one-story building has been modified significantly from its original, mid-Century industrial-style architecture. Character-defining features include: a mixed façade comprised of form stone, vinyl siding, and brick; and a recessed entrance onto North 4th Street. The main entrance features fiberglass French doors with full-view, divided lite panes, set in a simple frame; there is a matching set of doors providing access to the on-site parking on the southern elevation. Fenestration includes non-functioning covered windows along the southern façade, one-over-one vinyl windows and industrial-style steel casement windows with steel mesh screening along the northern façade, and a bricked-in window near the main entrance. The structure is topped with a gable roof made of asphalt shingles. Two more recent structures (at the

corner of Logan and Muench Street) are attached, one-story, garages that features elements of a mid-century industrial-style. Character-defining features include: vinyl siding and two aluminum roll-down garage doors. There is a single metal door located along the southern façade; there are no windows in the structures. The structures are topped with a gable roof, which is composed of tin and a parapet flat roof.

Portions of the property not occupied by buildings are primarily covered in impervious asphalt pavement utilized for parking; a small portion of the northwestern corner of the property is covered in gravel. A six-foot-high, wooden fence encloses the property along portions of the northern, western, and southern property lines, and there is a six-foot-high, chain-link fence along the eastern property line with a motorized gate which provides vehicular access to the site. There is a white vinyl fence running through the middle of the property that separates two on-site parking lots. Overall, the structures and project site have minimal architectural integrity, and they do not contribute to the architectural character of the streetscape or neighborhood.

SPECIAL EXCEPTION REQUIREMENTS PER CHAPTER 7-323 OF THE ZONING CODE:

1. The Board shall determine that the minimum requirements of this Code as set forth in Section 7-323.6 have been met.

The Zoning Hearing Board may grant a Special Exception for the establishment of a "Adult Day Care" use in the Residential Medium-Density (RM) zoning district, per Section 7-305.7 of the Zoning Code, subject to the criteria listed below, as well as conformance with the Specific Criteria in Section 7-309.2(b) of the Zoning Code.

2. The Board shall find that the use, structure, or action authorized by the special permit will not be contrary to the preservation of the general character of the neighborhood involved.

With respect to the proposed use, the Applicant has stated:

"Adult Day Care Center"

With respect to the current use, the Applicant has stated:

"Office"

The Planning Bureau notes that while there appear to be businesses operating on site, the City has no record of any approved Mercantile Permits on file for this property. The Applicant's reference to an "Office" use on-site is unclear, but it may be associated with a cab company ("Extreme Health Care Services") that has several marked taxis stored on the property, although the Bureau notes that a Mercantile Permit for this use was denied in August 2020. The Bureau notes that vehicles which appear to be associated with this business are routinely and illegally parked on the sidewalk along Muench Street. The Bureau also notes that the property has a recent history of codes violations involving work performed by the Applicant, without permits, on the structure that will accommodate the proposed use. The Codes Bureau noted that the structure still has several outstanding codes issues that need to be addressed before a Certificate of Occupancy can be approved and the building can be formally occupied.

As for the proposed use, the Planning Bureau notes that bringing the building up to code and occupying it with a use that provides services to residents of the city would be an improvement over its current condition. Recent aesthetic investments at the site have improved the appearance of the property. The subject property is adjacent to various commercial, residential, and institutional uses, which include the Heinz-Menaker Senior Center, and the proposed institutional use will integrate well given these surroundings. As such, the Bureau believes that the proposed use will not be detrimental to the character of the neighborhood.

- 3. The Board shall duly consider the following factors, as appropriate:
- (A) ingress and egress to property and existing and proposed structures thereon, with particular attention paid to automotive and pedestrian safety and convenience; traffic generation, flow and control relative to existing and future vehicular capacity or nearby public rights of way; and access in case of fire, flood or other catastrophe;

The Applicant has stated:

"We have a parking lot that is fenced in."

The Planning Bureau notes the project site includes two primary structures separated by a paved interior area which has been divided into two separate parking areas. One of the parking areas is accessible directly from North 4th Street via six-foot-high, chain link fence with a movable electronic gate, and it is presumed that this would function as the required off-street parking for the proposed use.

access to the southern parking lot through a sidewalk curb cut located along Muench Street. Pedestrian access to the structure proposed for the "Adult Day Care" use (located on the corner of Delaware Street and North 4th Street) is available through the primary entrance along North 4th Street and a secondary entrance located at the adjacent parking lot. The Bureau notes that drop of and pick up would likely occur on both North 4th Street and within the adjacent parking lot to the subject structure. The existing on-street and off-street parking infrastructure would likely accommodate the additional pedestrian and automotive demand generated by the proposed use. The Bureau does note that the Applicant should address the illegal parking of vehicles on the sidewalk area along Muench Street. The current illegal use of the sidewalk blocks ADA pedestrian accesses to the site for both potential patrons and neighbors that cannot currently utilize the public sidewalk.

(B) off-street parking and loading areas where required, with particular attention paid to the factors in paragraph (A) above and the noise, glare, odor, or traffic effects of the special exception on adjoining properties and properties generally in the neighborhood;

The Applicant has stated: "20"

The Applicant indicated to Planning Bureau staff that the parking lot along the northern portion of the property will be utilized for the proposed use. The subject parking lot has approximately 15 off-street spaces which should sufficiently accommodate the parking needs of the proposed use. The Bureau notes that Section 7-327.6 of the Zoning Code requires one off-street parking

space for every five adult patrons of the facility and one space per employee. Based on the parking requirements and available off-street parking, the proposed use could have a substantial number of patrons and staff that would not exceed the required number of off-street parking spaces. Though the Applicant did not indicate the proposed number of patrons or employees and therefor the exact number of required off-street parking spaces cannot be determine, it is a reasonable assessment that the proposed use will not exceed the number of patrons or employees in excesses of the off-street parking available on site.

(C) refuse and service areas;

The Planning Bureau notes that the Applicant did not mention refuse concerns in their application, but that the Department of Public Works (DPW) does issue refuse bins by the number of units on-site. Thus, if the Applicant is granted approval of the request by the Zoning Hearing Board, they will need to work with DPW to determine the appropriate refuse needs for the proposed use and the appropriate location for a refuse storage container, and to update the billing account.

(D) utilities, with reference to locations, availability, and compatibility;

The Applicant has stated:

"We don't plan on marking changes to the building."

The Planning Bureau notes that the Codes Bureau has previously cited the property for work that was performed without permits and without the required documentation; before a Certificate of Occupancy is issued to the Applicant, the Codes Bureau will have to perform a detailed inspection of the site to ensure that any previous work is brought up to code and that any other necessary utility or health/safety work is performed to their satisfaction. The Applicant should also coordinate with the Department of Public Works to ensure the account information reflects the new use (if approved).

(E) screening and other buffering with reference to type, dimensions and character;

The Applicant has stated:

"No"

The Planning Bureau notes that the project involves the reuse of interior space and that no new exterior alterations to the site are proposed. The Applicant should ensure that all fencing around the property is in compliance with the zoning regulations and maintained in good condition.

(F) signs, if any, and existing and proposed exterior lighting with reference to glare, traffic safety and compatibility and harmony with properties in the neighborhood;

The Applicant has stated:

"No"

The Planning Bureau notes that the Applicant has not included new signage proposals with their

application. The Bureau notes that signage regulations for the RM zoning district are outlined in Section 7-325.6 of the Zoning Code and are fairly stringent regarding type and size. If any proposed signage will not be in conformance with the Zoning Code, the Applicant will need to secure zoning relief approval(s) from the Zoning Hearing Board.

(G) required yards, setbacks and other open space;

The Applicant has stated:

"Yes"

The Planning Bureau notes that the proposed use will not alter or expand the existing structures on-site. However, the Bureau notes that the vast majority of the property is paved with impervious surfaces such as asphalt and gravel. The Bureau recommends that the Applicant consider reducing the amount of impervious surfaces on-site, as it directly contributes to the urban heat island effect, potentially posing a safety risk to elderly patrons during the summer months, and contributes to increased stormwater runoff. The Bureau recommends the Applicant provide vegetative plantings, preferably deciduous trees, within new pervious area on-site; in addition to ensuring the health of visitors/clients, this would also reduce the stormwater management fee, assessed by CRW, that the Applicant will need to pay each month.

(H) size, bulk, use, and general character of a proposed building, structure, expansion, or enlargement in relation to adjacent properties and the neighborhood generally;

The Planning Bureau notes that the Applicant did not specifically address whether any proposed structures or expansions would have an impact on the general character of the neighborhood. As noted above no new exterior alterations to the site are proposed. Because there is already a facility focused on senior care in the neighborhood, the Heinz-Menaker Senior Center, and considering the diversity in uses in the area, it is likely that the proposed use will likewise be compatible with the neighborhood.

(I) other factors, if any, which have a bearing on the compatibility of the special exception with adjacent properties and the neighborhood generally.

With respect to whether the proposal involves a public safety hazard, the Applicant has stated: "No"

With respect to whether the proposal will comply with the Environmental Performance Standards in Chapter 7-331, the Applicant has stated: "Yes."

With respect to the establishment of a business, the Applicant has stated:

"The Elderly. 9:00 AM to 5:00 PM."

With respect to the impact on the character of the neighborhood, the Applicant has stated:

"No. We sent out letter to the Neighbor."

Overall, the proposed use would provide a benefit to the surrounding community by providing adult day care services to residents. Any impacts generated from increased traffic and parking would likely be mitigated through the on-site accessory parking lot, which can provide both

sufficient parking for employees and an area for drop-off and pick-up of patrons. The proposed use is compatible with the commercial, institutional, and residential uses within a close proximity to the subject property. In addition to community compatibility, it should also be noted that the existing building has been vacant for several years, and thus reactivating the space would be an improvement.

The Planning Bureau is aware of the challenges of using the subject property in strict conformity of the Zoning Code due to the building's overall square footage and internal configuration. The building size and the Residential Medium-Density (RM) zoning designation have likely contributed to challenges in having the building occupied over the last several years. If approved, the outstanding codes could be addressed and a long vacant structure would be reactivated, providing an economic benefit to the community with limited adverse impacts. The Bureau would note, however, that the Applicant should ensure that the entire site is brought into compliance with building and/or zoning regulations, including the garages in the southwestern corner of the property, and should endeavor to design the entire site in a manner that is most conducive to the general health, safety, and welfare of the population to be serviced by the proposed use.

PLANNING BUREAU RECOMMENDATION:

Approval with Conditions

Planning Bureau staff recommends the request be **Approved** with the following condition(s):

- 1. The Codes Bureau will perform a thorough inspection of the interior of the building, to ascertain whether work previously conducted on-site is in conformance with Building Code regulations; if not, the Applicant must submit Building Permits to have the entire structure brought into compliance with current building codes.
- 2. The Applicant must file a Mercantile Permit application for any business currently operating on-site that are not registered with the city. If an existing business does not conform to the Zoning Code, the Applicant must request zoning relief or provide documentation to the City's satisfaction that the operations can legally operate within the Residential Medium-Density (RM) zoning district.
- 3. The Applicant will ensure that all sidewalks along the perimeter of the property are repaired to an ADA-compliant condition and remain free of illegally parked vehicles.
- 4. The Planning Bureau recommends that a portion of impervious area on-site be replaced with lawn or landscaping; this will create an aesthetically-pleasing outdoor area for visitors/clients, decrease the amount of stormwater runoff, and help to reduce the urban heat island effect from the existing asphalt parking area.
- 5. The Applicant will ensure the business is in conformance with the requisite Specific Criteria, including securing the appropriate licensing from the Pennsylvania Department of Aging prior to receiving a Certificate of Occupancy (COA) from the city.
- 6. The Applicant will coordinate with the Department of Public Works to ensure appropriate location and storage of refuse containers on site, and to update the billing account information.

Planning Bureau staff recommends the request be **Approved** for the following reason(s):

STAFF REPORT – 1918 North 4th Street, Special Exception Request March 2, 2022 HPC Meeting

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- 1. The proposal will adaptively reuse a vacant building, bringing it back into productive use and activating the property, and Codes Bureau inspections of the structure will ensure the building is safe for use visitors/clients.
- 2. An "Adult Day Care" use would be compatible with the surrounding residential, commercial, and institutional properties, and particularly with the Heinz-Menaker Senior Center located just to the south.
- 3. The proposed use will provide necessary adult day care services to the residents of the surrounding community.
- 4. If the conditions above are included in the final decision, the proposed use will represent an overall improvement from its current state for both visitors/clients and the general public.

REVIEW PROCESS:

- 1. Planning Bureau review of application and development of case report with recommendation to Harrisburg Planning Commission (HPC).
- 2. Harrisburg Planning Commission review of application and recommendation to Zoning Hearing Board (ZHB).
- 3. Harrisburg Zoning Hearing Board review of application and final decision.
- 4. Building Permit application to the Codes Bureau for any proposed or required work, and a Mercantile Permit application to the Tax & Enforcement Office for the proposed business.

ATTACHMENTS:

- 1. Zoning & Location Map
- 2. Special Exception Application
- 3. Existing Conditions Photos
- 4. Existing Floor Plans
- 5. Notification Letter & Proof of Mailing
- 6. Deed





City of Harrisburg Variance and Special Exception Application

Note: The Planning Bureau will review all applications for completeness; incomplete applications may cause a delay in processing.

Contact Jacob Bowen at 717-255-6408 or jdbowen a harrisburgpa.gov with any questions.

Zoning District

Primary Property Address

1916-18 North 4th street

Harristourg PA 17103

Two or More Parcels? Application Type: Please list the additional property addresses and Special Exception parcel numbers: ☐ Variance ☐ Combo (Variance & Sp. Ex.) Explain what you want to accomplish and the reason why the request for a special exception and/or variance should be granted (use additional sheets if necessary). Be specific. The following criteria must be addressed in detail and submitted with the application. The criteria for special exception requests are the basis of the Zoning Hearing Board's ruling and are taken from Section 7-323.6 of the 2014 Zoning Code. The criteria for variance requests are the basis of the Zoning Hearing Board's ruling and are taken from Section 7-323.7 of the 2014 Zoning Code and Section 912 (53 P.S. Section 10912) of the PA Municipalities Code. Criteria for Special Exception Requests 1. What do you want to do and why? Day Care Center 2. What is the property's current use or, if vacant, what was it used as when it was occupied? riffice



(۲)	Describe the ingress and egress to the property and existing and proposed structures thereon, with particular attention paid it automotive and pedestrian safety, as well as emergency vehicle access; traffic generation, they and control relative to existing and fature vehicular expacity or nearby public rights of way.
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	New or expanded structures are to meet all applicable front, side, and rear yard setback requirements. Can these requirements be met? What are the size, bulk, use and other characteristics of the project in relation to adjacent properties and the neighborhood in general? Please describe.
10.	Will the proposed use comply with Environmental Performance Standards in Chapter 7-331?
	yes
	If this request involves establishing a business, please submit a copy of your business plan including: Who are your customers? What are the hours of operation for the business? The Eldenly 9:00 7 to 5'00 pm
	Will the proposed use have an adverse impact on the character of a residential neighborhood, such as generating heavy truck traffic or creating noise or odors? Does the neighborhood support the project? Please submit any evidence of neighborhood support, such as a petition or letter of support from a neighborhood group.
	1120 Sol out latter To the New 21
Cri	we sent out Letter To the Neighber teria for Variance Requests
	Are there unique physical circumstances or conditions peculiar to the particular property and are the unnecessary hardship(s) due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance?
-	NO



In light of physical circumstances or conditions be developed in strict conformity with the prov	
NO	
Has the applicant created an unnecessary hards	
4. Would the variance, if granted, alter the essenti district, substantially impair the appropriate use detrimental to the public welfare?	
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5. Would the variance, if granted, represent the mi will represent the least modification possible of	
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ita	ms To Be Submitted With Application (Failure to do s: WILL delay the review process:
	Check made payable to the "City Treasurer" for the correct amount (see the fee schedule)
	Proof of legal standing, including: I) the deed if you are the property owner; or 2) a lease, option to lease, purchase agreement, or some other regal document demonstrating that you have an agreement with the property over giving you some interest in the property; you will also need to stockly the property deed.
ii	Scale drawings (either \$.5x11 or 1.x17) of the existing property and/or building (12 copies)
, i	Some drawings (eithor 8.5ml or rivi?) of the proposed change(s) (12 copies)
	Photographs of the existing conditions of the property
	APPLICANT/OWNER CERTERCATION
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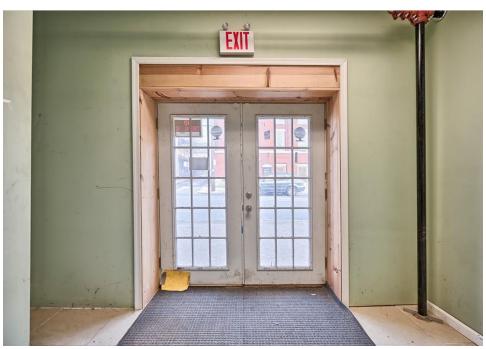












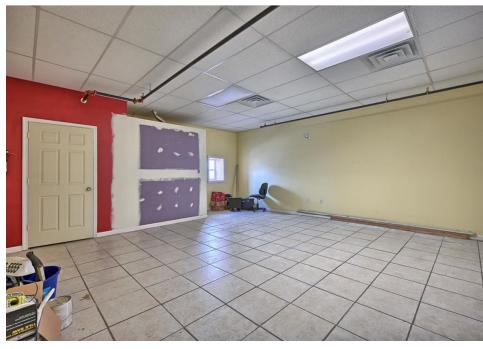








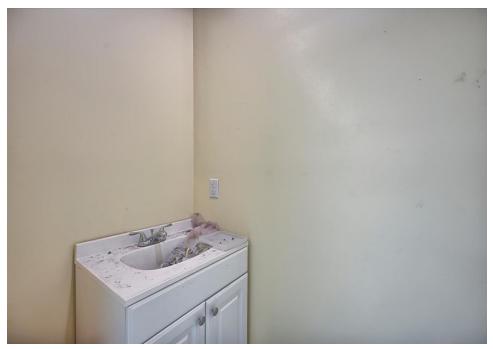








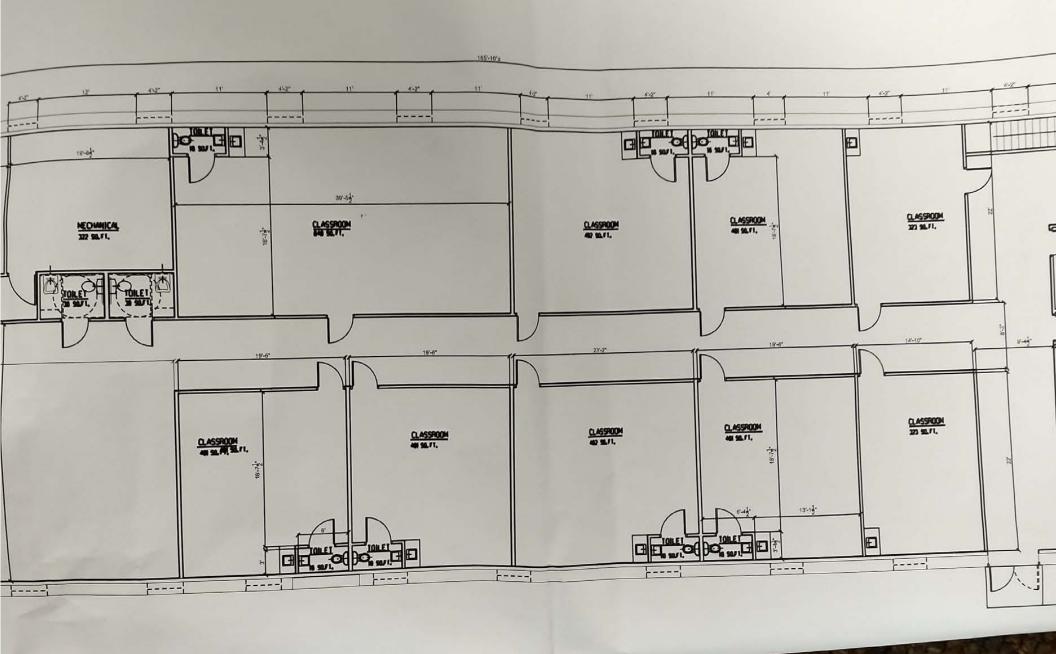












To Whom It May Concern:

I am writing to inform you that I will be applying for a variance to my property located at 1916-18 North 4th Street in Harrisburg, PA 17104 to operate an Adult Daycare Center. The meeting date is on March 2, 2022 with the Harrisburg Planning Commission at 6:30 p.m. The 2nd hearing date is on March 21, 2022 with the Zoning Hearing Board at 6:00 p.m. On these dates are when my application will be reviewed.

This is an invitation to the property owners to attend the meeting and comment on the proposal, the City is holding an in-person meeting located at the MLK Government Center 10 North 2nd Street Harrisburg, PA 17101, you can obtain more information on the City's website (www.harasburgha.gov). Both meetings will be conducted at this location.

Sincerely,

Lamont Palmer

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